S.B. Civil Writ Petition NO.5864/2004
Lokesh Kumar
vs
Smt. Gajudevi & Ors.

DATE OF ORDER : - 26.4.2005.

HON'BLE MR. PRAKASH TATIA,J.

Mr.BN Kalla, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner is aggrieved against the order of the trial court dated 25.1.2003 (Annex.5) as well as against the order of the appellate court dated 30th May, 2003 (Annex.7) by which the trial court granted the injunction in favour of the plaintiffs-non-petitioners and the appellate court dismissed the appeal of the petitioner-defendant.

According to learned counsel for the petitioner, the petitioner agreed to give 20' wide way to the non-petitioners-plaintiffs, but after the land is converted, the said land has not been converted, therefore, according to learned counsel for the petitioner, the non-petitioner-plaintiffs were not entitled to claim way. According to learned counsel for the petitioner, the plaintiffs-non-petitioners already have their way for the land. The two courts below have examined all the aspects of the matter and granted the interim order after holding that there is prima

facie case in favour of the plaintiffs and in case the injunction sought is not granted the plaintiffs will suffer irreparable injury. Therefore, this Court is not inclined to interfere in those findings of facts. Otherwise also when the defendant-petitioner admits that he agreed to provide the way of 20' then there appears to be no reason for interfering in the impugned order.

In view of the above,the writ petition of the petitioner is dismissed.

(Prakash Tatia), J.

c.p.goyal/-